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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b> <i>facsimile transmitted to USPTO on</i>		Docket Number (Optional) <b>SSS-106</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>July 13, 2007</u> Signature <u>Talivaldis Cepuritis</u>		Application Number <b>10/682,444</b>	Filed <b>October 9, 2003</b>
First Named Inventor <b>Patrick C. St. Germain</b>		Examiner <b>Sameh H. Tawfik</b>	
Typed or printed name <u>TALIVALDIS CEPURITIS</u>		Art Unit <b>3721</b>	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. **20,818**  
Registration number

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34

*Talivaldis Cepuritis*  
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Telephone number  
**July 13, 2007**  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 13 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Patrick C. St. Germain	)	
Application No.	10/682,444	)	
Filed:	October 9, 2003	)	Group Art Unit: 3721
For:	APPARATUS FOR MAKING INTERFOLDED PRODUCT	)	
Examiner:	Sameh H. Tawfik	)	Attorney Docket No. <u>SSS-106</u>

REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is applicant's second request for review. The first request resulted in re-opening of the prosecution.

Claims 11 and 13-16 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,088,707 to Stemmler in view of U.S. Patent No. 3,942,782 to Hermach. This rejection is a repeat of the rejection stated in the Office Action dated February 23, 2006 and is not warranted for the following reasons:

1. The Examiner has failed to identify a valid reason why a person of ordinary skill would have combined the elements of Stemmler and Hermach in the manner claimed.
2. The level of ordinary skill in the interfolding art has not been resolved.
3. Evidence of secondary considerations, i.e., peer recognition of the advance, has been ignored.
4. The Examiner recognizes that Stemmler does not disclose apparatus for interfolding sheets of material that include at least one longitudinal fold line and at least one fold, yet contends that this deficiency is remedied by the Hermach reference which shows apparatus for folding (not interfolding) newspapers pages. These two references are not combinable; one of ordinary skill would not have even considered interfolding a newspaper. Motivation for the attempted combination of references is lacking.

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Filed: October 9, 2003

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5. Stemmler is directed to the production of numerically correct stacks of interfolded sheets, an event that occurs downstream from the folding rolls. One of ordinary skill would not have had any reason whatsoever to look upstream of the folding rolls when seeking to improve on Stemmler's apparatus for production of numerically correct stacks of sheets that are already interfolded. Hermach, of course, has nothing to do with interfolding. Hermach's apparatus is vastly different from that of Stemmler (c.f. FIG. 1 of Stemmler with FIG. 2 of Hermach). Accordingly, the attempted combination of the teachings of Stemmler and Hermach would not have been made by one of ordinary skill in the interfolding art and cannot be justified.

6. Regarding claim 13, Stemmler fails to support the rejection because Stemmler does not teach the interfolding of sheets that include at least one longitudinal fold line and at least one fold, as well as a plurality of spaced-apart, transversely extending perforation lines. Neither does Hermach.

7. Regarding claims 14 and 15, both dependent on claim 11, the mere fact that Stemmler discloses use of knife rolls or perforations in his apparatus does not vitiate the patentability of these particular claims, because the apparatus of Stemmler is different from that presently claimed, and the sheets to be processed are different as well.

8. Regarding claim 16, Hermach does not show an apparatus similar to that of Stemmler. Operation, purpose and arrangement of parts are all different. Stemmler does not show any dispensers for lengths of material W1 and W2. The Examiner's selection of Hermach is not based on any teaching of Stemmler but only on applicant's own teachings.

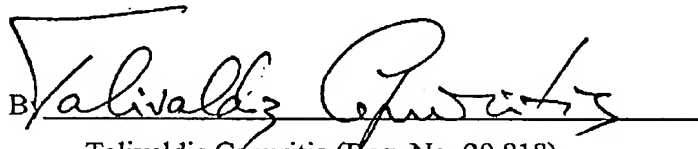
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Claim 12 stands rejected as unpatentable over Stemmler in view of Hermach and further in view of DuFresne (U.S. Patent No. 4,824,426). Stemmler in view of Hermach do not disclose the claimed double "c" shaped fold. Neither does DuFresne (c. f. applicant's FIG. 3(a) at 118 with DuFresne FIG. 3). There is no evidence of record that supports the rejection of claim 12.

Respectfully submitted,

Dated: July 13, 2007

B.   
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